No. 604.

Motion to advance.

Office Supreme Court U.S.
FILED
MAY 28 1902
JAMES H. McKENNEY,
Clerk.

Filed May 28, 1902.

IN THE

Supreme Court of the United States.

OCTOBER TERM, 1901.

HENRY B. F. MACFARLAND ET AL.,
APPELLANTS,
vs.
JESSE BROWN AND ROSA WALLACH.

MOTION TO ADVANCE.

IN THE

Supreme Court of the United States.

HENRY B. F. MACFARLAND ET AL.,
APPELLANTS,
vs.
JESSE BROWN AND ROSA WALLACH.

MOTION TO ADVANCE.

The appeal in the above-entitled case is from a decree of the Court of Appeals of the District of Columbia, involving the construction of the act of Congress approved March 3, 1899, for the extension and widening of Sherman avenue, in the District of Columbia.

This act of Congress is in terms identical with the act for the extension of S, Twenty-second, and Decatur streets, which this Honorable Court reviewed in the case of Wight vs. Davidson et al., reversing the Court of Appeals, and while the question now sought to be reviewed in this case was not determined by this Honorable Court, the effect of the present decision of the Court of Appeals seriously interferes with the practical operation of said act of Congress, and unsettles all the proceedings taken for the extension of highways in the District of Columbia under the several acts of Congress for 1899, and the several hundred assessments for benefits made under said acts of Congress. These assess-

ments are part of the revenue of the District of Columbia; they involve several hundred thousands of dollars, and the action of the Court of Appeals has clouded the right of recovery, and thus materially interfered with the collection of said assessments. The case presents a question of great public importance, which ought to be determined at as early a day as this Honorable Court may find it convenient to hear the case.

In consideration of the premises, the appellants respectfully pray that the case may be advanced for hearing at the opening of the next term of this Honorable Court. All of which is respectfully submitted.

ANDREW B. DUVALL,
Attorney for Appellants.

I agree with the motion to advance.

(Signed) Sam'l. Maddox,

Attorney for Appellees.